

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to Figs. 1-2. These sheets, which include Figs. 1-2, replace the original sheet including those same Figures. No new matter has been introduced.

In Fig. 1, a reference character 12a has been added to indicate the Buffer, and a line with arrows has been added between the optical pickup 11 and the microcomputer 16.

In Fig. 2, the description on S14 has been changed to "control to lower disc data read speed." Further, reference characters "Yes" and "No" have been added at S17.

Attachment:      Annotated Sheets  
                        Replacement Sheets

**REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. In view of the above Amendment, Applicant believes the pending application is in condition for allowance.

Claims 1-20 are now present in this application. Claims 1, 9, 13, 17 and 20 are independent. Amendments have been made to the specification, and claims 1, 3, 5 and 17-20 have been amended. Reconsideration of this application, as amended, is respectfully requested.

**Drawing Amendments**

Applicant has amended Figs. 1-2 to clarify the invention, and has submitted Annotated Sheets and Replacement Sheets for the Examiner's approval. No new matter has been introduced by way of this Amendment.

**Specification Amendments**

Applicant has amended the specification in order to correct minor typographical errors.

**Rejection Under 35 U.S.C. § 102**

Claims 1-4 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tomishima. Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomishima and Harold-Barry. Claims 7, 8, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomishima and Kudora et al. Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomishima, Harold-Barry and Kudora et al. Claims 13-16 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harold-Barry, Tomishima and Kudora et al. These rejections are respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Amended independent claim 1 includes a combination of elements and is directed to a method for controlling a play speed in an optical disc device, the method including (a) reading data from an optical disc, (b) determining whether or not the data reading in the step (a) is a

sequential reading operation, (c) lowering a data read speed of the optical disc if the data reading has failed, when the step (b) determines that the data reading is a sequential reading operation, and (d) selectively varying a current play speed based on the results of the step (b), when the step (b) determines that the data reading is not a sequential reading operation. Amended independent claim 17 includes similar features in a varying scope.

These features are supported at least by Figure 2 of the present application. For example, the method includes (a) reading data from an optical disc (S10), (b) determining whether or not the data reading in the step (a) is a sequential reading operation (S11), (c) lowering a data read speed of the optical disc if the data reading has failed, when the step (b) determines that the data reading is a sequential reading operation (S14), and (d) selectively varying a current play speed based on the results of the step (b), when the step (b) determines that the data reading is not a sequential reading operation (S16).

Tomishima teaches performing a sequential reading operation, and performing an error correction continuously by reducing a revolution speed of the recording medium until the error is corrected (see col. 3, lines 21-39 of Tomishima). Although Tomishima teaches reducing the revolution speed, Tomishima does not teach or suggest (c) lowering a data read speed of the optical disc if the data reading has failed, when the step (b) determines that the data reading is a sequential reading operation, and (d) selectively varying a current play speed based on the results of the step (b), when the step (b) determines that the data reading is not a sequential reading operation, as recited in independent claims 1 and 17.

Accordingly, it is respectfully submitted independent claims 1 and 17, and each of the claims depending therefrom is allowable.

Regarding independent claim 9, paragraph 12 of the Office Action on page 6 states that in Tomishima “label controller controls the revolution speed (disc read speed) of the spindle motor and sets that speed according to the label ‘speed.’” It further states that “that speed is typically higher than the playback speed of the data on the disc, but when errors occur the revolution speed is decreased in order to enable error correction.” However, it is respectfully submitted that the revolution speed is not a disc read speed, but is rather a play speed. Therefore, Tomishima does not teach or suggest (c) lowering a data read speed when the play speed equals the predetermined

basic speed and the data reading has failed. Other references also fail to teach or suggest these features of independent claim 9.

Regarding independent claims 13 and 20, as mentioned on page 10 of the Office Action, the defect study in Tomishima is performed to determine the revolution speed that the recording media can be rotated at to provide error correction, and controls the revolution speed based on the defect study. (See col. 1, lines 44-58). However, it is respectfully noted that the transfer rate of data temporarily stored in a buffer in independent claims 13 and 20 is a rate to transfer data from the buffer, and thus is not equivalent to the revolution speed of Tomishima. Therefore, references do not teach or suggest identifying a transfer rate of data temporarily stored in a buffer, and selectively varying a current play speed based on the identifying results, as recited in independent claims 13 and 20.

Accordingly, it is respectfully submitted independent claims 9, 13 and 20, and each of the claims depending therefrom is allowable.

Further, it is respectfully submitted the other 35 U.S.C. § 103(a) rejections have also been overcome as the claims rejected therein are dependent claims and the additional applied art also does not teach or suggest the features recited in the independent claims.

### Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Jun S. Ha, Registration No. 58,508, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Application No. 10/749,405  
Amendment dated February 22, 2008  
Reply to Office Action of December 7, 2007

Docket No.: 1630-0462PUS1  
Page 11

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 21, 2008

Respectfully submitted,

By Esther H. Chong  
Esther H. Chong  
Registration No.: 40,953  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachment: Replacement Sheets  
Annotated Sheets